



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

May 11, 2018

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Summary and Comparison of Recusals

TO: Cathy Stepp, Regional Administrator

[REDACTED]

\* FOIA exemption 6 (Ex. 5) 4 wds

FROM: Ann Coyle<sup>ALC</sup>, Regional Ethics Attorney

This memorandum summarizes and compares the matters from which you are recused; hopefully, making it easier to administer your recusals. The first table lists matters from which you are [REDACTED] recused and notes where the recusal is not permanent. The second table lists matters from which [REDACTED] Cathy is recused and notes the duration of her recusal.

\* Ex. 5 (1 word)  
\* Ex. 5 (4 words)  
\* Ex. 5 (4 wds)

As we have discussed, if either of you is recused from a matter, then you cannot discuss the matter with each other. For example, Cathy cannot discuss Calumet Superior/Husky with [REDACTED] because [REDACTED] is recused from the matter, and [REDACTED] cannot discuss matters involving Ponderosa Dairy with Cathy because Cathy is recused from matters involving the Pagels family.

\* Ex. 5 (3 wds)

I will update this memorandum as necessary, based on any modifications either of you make to your individual recusal agreements. A copy of this memorandum and any subsequent revisions will be provided to OGC/Ethics, the Regional Counsel, and your principal subordinates, as identified in the cc: list.

Cathy and [REDACTED]—permanent unless otherwise noted		
Company/Matter	Statute(s)	Notes
Ashley Furniture	CWA	
CAFO Enforcement—Central Sands Dairy	CWA NPDES	Cathy and [REDACTED] one year
Kinnard Farms	CWA NPDES	Cathy: one year <sup>1</sup> [REDACTED]: permanent
Kohler Golf Course	CWA	
Legal Authority Review	CWA NPDES	
Madison-Kipp Corp (Madison)	TSCA PCBs	
Meteor Timber	CWA	

\* Ex. 5 (1 word)

\* Ex. 5 (1 word)

\* Ex. 5 (1 word)

<sup>1</sup> Cathy's "one-year" recusals end one year from her separation date from WDNR, on August 31, 2018.

Cathy and [REDACTED] - permanent unless otherwise noted		
Company/Matter	Statute(s)	Notes
Mid-America Steel Drum a/k/a Greif a/k/a CLCM (Milwaukee)	Various	
NPDES withdrawal petition	CWA NPDES	
Ozone Designations and SIPs <ul style="list-style-type: none"> <li>Door County</li> <li>Kenosha County</li> <li>Manitowoc County</li> <li>Milwaukee County</li> <li>Ozaukee County</li> <li>Racine County</li> <li>Sheboygan County</li> <li>Washington County</li> <li>Waukesha County</li> </ul>	CAA	Cathy: one year [REDACTED] permanent
WDNR's comments on Tribal "Treatment as State" Reinterpretation Rule <ul style="list-style-type: none"> <li>Forest County Potawatomi, Treatment as a State</li> <li>Lac Courte Oreilles, Treatment as a State</li> </ul>	CWA & CAA	

\*Ex. 5 (1 word)

\*Ex. 5 (1 word)

Cathy-Only		
Company/Case	Statute(s)	Duration
CAFO enforcement matters <ul style="list-style-type: none"> <li>Brennan Farm (Lake Geneva)</li> <li>Calamity Knoll Farm (Armenia)</li> <li>Ebert Dairy Enterprises (Pierce)</li> <li>El-Na Dairy LLC</li> <li>Halls Calf Ranch (Montpelier)</li> <li>Heims Hillcrest Dairy (Casco)</li> <li>Kane Farm</li> <li>Ledgeview Farms (De Pere)</li> <li>Neighborhood Dairy (Kaukauna)</li> <li>New Horizons</li> <li>Sandway Farm</li> <li>Tag Lane Dairy Farm</li> <li>Wolf River Ranch (Shawano County)</li> </ul>	CWA NPDES	One year
Kretzschmar Dairy (Bad River Band)	CWA CAFO permit	One year
Large dairy CAFOs general permit	CWA	Permanent
Milwaukee Metropolitan Sewerage District	CWA NPDES	Permanent
Pagels family enterprises <ul style="list-style-type: none"> <li>Ponderosa Dairy (Kewaunee)</li> <li>Dairy Dreams</li> </ul>	All	Permanent

Cathy-Only		
Company/Case	Statute(s)	Duration
State primacy petitions <ul style="list-style-type: none"> <li>Revised Total Coliform Rule</li> <li>Lead &amp; Copper Rule</li> <li>Stage 2 Disinfection Byproducts Rule</li> <li>Ground Water Rule</li> </ul>	SDWA	One year
Variance for phosphorus	CWA	Permanent
Variance and exceptions to state drinking water regulations	SDWA	One year
Webers (Oregon, WI), health effects of exposure to biological waste holding tanks	Various	Permanent
WE Energies	CWA NPDES Permit/Water Quality Standards (arsenic)	Permanent
WE Energies (Rothschild)	CAA PSD permit	One year
Wisconsin CAFO vegetative treatment areas	CWA NPDES	Permanent

[REDACTED]	[REDACTED]	*Ex.5 (3 wds)
[REDACTED]	[REDACTED]	*Ex.5 (3 wds)
[REDACTED]	[REDACTED]	*Ex.5 (2 wds)
[REDACTED]	[REDACTED]	*Ex.5 (5 wds)
[REDACTED]	[REDACTED]	*Ex.5 (3 wds)
[REDACTED]	[REDACTED]	*Ex.5 (4 wds)
[REDACTED]	[REDACTED]	*Ex.5 (3 wds)
[REDACTED]	[REDACTED]	*Ex.5 (2 wds)
[REDACTED]	[REDACTED]	*Ex.5 (6 wds)

cc: Justina Fugh, Senior Counsel for Ethics  
Jim Payne, Acting Deputy Regional Administrator  
Leverett Nelson, Regional Counsel  
Felicia Williams, Executive Assistant to the Regional Administrator  
Isidra Martinez, Staff Assistant  
Marjorie Marshall, Secretary  
Sheila Robinson, SEEP